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January 22, 1997

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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: ET Docket No. 95-18;
Mobile Satellite Service Proceeding;
Ex Parte Meeting

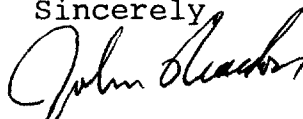
Dear Mr. Caton:

The purpose of this letter is to provide notice that on January 22, 1997, the following individuals met with David R. Siddall of Commissioner Ness' office to discuss the above-captioned proceeding: Wayne V. Black and John Reardon on behalf of the American Petroleum Institute; Thomas J. Keller on behalf of the Association of American Railroads; Robert M. Gurss of APCO; and Jeffrey L. Sheldon of UTC, The Telecommunications Association.

Our discussion concerned the Commission's proposal to reallocate the 2.1 GHz band from fixed microwave incumbents to the Mobile Satellite Service ("MSS"). As incumbent representatives, we expressed our belief that the Commission should apply its Emerging Technology rules, as developed in ET Docket No. 92-9, to the instant proceeding. These rules would require full reimbursement by MSS licensees for involuntary relocation of incumbents to comparable facilities.

Should the Commission require further information, it is respectfully requested to contact the undersigned at (202) 434-4129.

Sincerely


John Reardon

Enclosures

cc: Mr. David R. Siddall
Mr. Bob Gurss
Mr. Thomas Keller
Mr. Jeff Sheldon

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Concerns Of 2.1 GHz Microwave Incumbents

- ▶ Incumbents' 2.1 GHz microwave systems transport critical safety and operational telecommunications for public safety agencies, utilities, the petroleum industry and railroads.
- ▶ The Commission should apply its Emerging Technology rules, as developed in ET Docket No. 92-9, to the MSS proceeding. These rules require full reimbursement by MSS licensees for involuntary relocation of incumbent systems to comparable facilities.
- ▶ Depreciated equipment value would not enable incumbents to replace their existing systems with comparable systems. The Commission rejected depreciated reimbursement in ET Docket No. 92-9, and should also do so here.
- ▶ The MSS industry should be required to play by the same rules as PCS.
- ▶ If MSS cannot pay for relocation, then MSS is not the right Emerging Technology for the 2.1 GHz band. Other services, such as wireless local loop or PCS, could utilize the 2.1 GHz band and pay relocation costs.
- ▶ Full reimbursement is necessary even if MSS uses half of a channel pair. POFS operates in the 2130-2150 MHz and 2180-2200 MHz bands. MSS use of one frequency band would require microwave incumbents to relocate from both bands, for which they should be fully reimbursed.

DALE BUMPERS
ARKANSAS

COMMITTEES
APPROPRIATIONS
ENERGY AND
NATURAL RESOURCES
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510-0401

January 7, 1996

The Honorable Reed L. Hundt, Chairman
Federal Communications Commission
1919 "M" Street, NW
Washington, D.C. 20554

Dear Chairman Hundt:

We are concerned about the latest proposal to change the rules regarding PCS Microwave relocation by altering the length of the negotiating periods for incumbents and the new licensees. With regard to public safety incumbents, these changes will harm the public interest and will reopen a matter which we all believed had been settled.

As you may recall, Senators Bumpers and Hollings have been involved in lengthy discussions with the Commission about this very issue during the last few years. When the current rules were promulgated, we understood that the issue was settled and Senators Bumpers and Hollings agreed to abandon their effort to protect public safety incumbents by legislative means. Now comes the latest proposal, contrary to that understanding.


We don't believe that a change in the rules in the middle of the game for public safety incumbents is warranted. We understand the desire of new licensees to expedite the process, but we see no reason to do so at the expense of public safety incumbents and the people they serve. All the new licensees, the incumbents and the Commission itself knew the rules at the time of the auctions; they knew how long the process might take. The PCS industry and its advocates have made their case aggressively. We stand for the public safety incumbents and public safety itself in strongly urging the Commission not to change the negotiating periods with regard to public safety incumbents in the C,D,E & F blocks.

Thank you for your attention to this important issue.
We look forward to your response.

Sincerely,


Dale Bumpers


Judd Gregg


Ernest F. Hollings